

### **REMARKS**

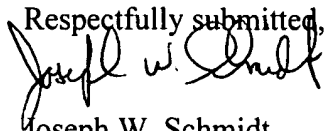
The present Amendment is submitted in response to the Office Action dated June 14, 2006. By this amendment, pending claim 1 has been cancelled without prejudice. New claims 10-19 have been presented.

In the Office Action, claim 1 was rejected based upon statutory type double patenting under 35 U.S.C. §101 and non-statutory obviousness-type double patenting. As indicated hereinabove, claim 1 has been cancelled without prejudice.

New claims 10-19 have been added to recite aspects of the invention to which Applicants are believed to be entitled. For example, none of the references of record, either alone or in combination, disclose the recited “at least two tissue engaging members . . . cooperate to engage tissue . . . such that the vascular tissue is oriented in a predetermined relation “and” at least two jaw members . . . for seizure of the vascular tissue . . . drawing together the vascular tissue and . . . and rendering the vascular tissue in adjacent relation...” as required by new independent claim 10.

In view of the foregoing amendments and remarks, reconsideration of the application and allowance of pending claims 10-19 is earnestly solicited.

Should the Examiner believe that a telephone interview may facilitate resolution of any outstanding issues, the Examiner is respectfully requested to telephone Applicants' undersigned attorney at the number indicated below.

Respectfully submitted,  
  
Joseph W. Schmidt  
Reg. No. 36,920  
Attorney for Applicant(s)

**CARTER, DELUCA, FARRELL & SCHMIDT, LLP**  
445 Broad Hollow Road, Suite 225  
Melville, NY 11747  
Telephone: (631) 501-5703  
Facsimile: (631) 501-3526